

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by: Todd Vargo, Planner I

**SUBJECT:** Ordinance 1st Reading/Quasi-judicial  
VA 4-2-03 Higgins-Deni and Associates/FLR Company, 5050 SW 82 Avenue /Generally located on the east side of SW 82 Avenue approximately 2000 feet south of Griffin Road.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 4-2-03, VACATING DRAINAGE EASEMENTS WITHIN SECTION 33, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE MADISON LAKES PLAT (170-117); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The applicant has requested the vacation of four (4) drainage easements associated with the development known as Madison Lakes. These easements were provided on the subject plat, Madison Lakes, before the site plan was approved. The easements are unnecessary since the approved site plan calls for a 1.6 acre lake around which the townhouses will be constructed. Drainage for the site will be provided by the 1.6 acre lake, thereby eliminating the requirement for the platted drainage easements.

The requested vacations will not have any adverse affect on neighboring properties, nor will they conflict with the public interest.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the May 28, 2003 Planning and Zoning Board meeting Vice-Chair Waitkus made a motion, seconded by Ms. Turin to approve (Motion carried 5-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Ordinance, Planning report, Justification letter, Future Land Use map, Subject site, zoning and aerial map

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 4-2-03, VACATING DRAINAGE EASEMENTS WITHIN SECTION 33, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE PLAT KNOWN AS MADISON LAKES (170-117); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain land located within in the Plat known as Madison Lakes (170-117), specifically described on Exhibit "A" attached hereto, was accepted as drainage easements; and

WHEREAS, vacation of the drainage easements will not be in conflict with the public interest; and

WHEREAS, on the date of adoption of this ordinance Town Council did agree to such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That drainage easements located within the Plat known as Madison Lakes (170-117), specifically described on Exhibit "A" attached hereto, are hereby vacated by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
**Report and Recommendation**

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**APPLICANT INFORMATION**

<b><u>Owner:</u></b>	<b><u>Agent:</u></b>
<b>Name:</b> FLR Company	<b>Name:</b> Higgins-Deni & Associates, Inc.
<b>Address:</b> 350 South Ocean Boulevard	<b>Address:</b> 1721 N. State Road 7
<b>City:</b> Boca Raton, FL 33024	<b>City:</b> Margate, FL 33063
<b>Phone:</b> (561) 305-4646	<b>Phone:</b> (954) 971-0540

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**BACKGROUND INFORMATION**

**Date of Notification:** May 9, 2003      **Number of Notifications:** 20

**Application History:** No deferrals have been requested.

**Application Request:** To vacate four drainage easements on the Madison Lakes Plat (170-117): 1) a 20' drainage easement approximately 580 feet in length along the south line of Parcel 2, 2) a 15' drainage easement approximately 580 feet in length along the north line of Parcel 2, 3) a 15' drainage easement approximately 580 feet in length along the south line of Parcel 1, and 4) a 210' drainage easement approximately 580 feet in length.

**Address/Location:** 5050 SW 82 Avenue/ Generally located on the east side of SW 82 Avenue approximately 2000 feet south of Griffin Road.

**Future Land Use Plan Designation:** Residential 5 DU/AC

**Zoning:** RM-5, Low/Medium Density Dwelling District

**Existing Use:** Townhouses (under construction)

**Proposed Use:** Townhouses

**Parcel Size:** Drainage easement, 0.1997 acres (8,700 square feet)  
Drainage easement, 0.1997 acres (8,700 square feet)  
Drainage easement, 2.796 acres (121,800 square feet)  
Drainage easement, 0.2663 acres (11,600 square feet)

	<u><b>Surrounding Uses:</b></u>	<u><b>Surrounding Land Use Plan Designation:</b></u>
<b>North:</b>	Farm	Residential 5 DU/AC
<b>South:</b>	Single-family residential and vacant	Residential 5 DU/AC
<b>East:</b>	Commercial	Commercial
<b>West:</b>	Farm and vacant	Residential 3 DU/AC

	<u><b>Surrounding Zoning:</b></u>
<b>North:</b>	RM-5, Low/Medium Density Dwelling District
<b>South:</b>	A-1, Agricultural District
<b>East:</b>	B-3, Planned Business Center District
<b>West:</b>	A-1, Agricultural District, R-5, Low/Medium Density Dwelling District

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## **ZONING HISTORY**

**Related Zoning History:** Town Council approved a rezoning request, ZB 1-1-99 Vietnamese Buddhist Cultural Center, rezoning the subject site from A-1, Agricultural District to CF, Community Facilities District, in January 1999.

On August 4, 1999 Town Council approved ZB 5-2-99, a rezoning request for Parcel 1 of Madison Lakes, rezoning the subject site from A-1, Agricultural District, to RM-5, Low-Medium Dwelling District.

Town Council approved a rezoning request, ZB 3-1-00 Landau/Tham, rezoning the subject site from CF, Community Facilities District to RM-5, Low Medium Dwelling District, and B-2, Community Business District, on June 21, 2000.

**Previous Request on same property:** Town Council approved the “Madison Lakes” subdivision plat, P 2-3-99, on October 6, 1999 by Resolution R-99-304.

Town Council approved a site plan, SP 6-13-99 Madison Lake Townhomes, on September 7, 1999.

A Developers Agreement, DA 7-1-00, was approved by Town Council by Resolution R-2000-201 on August 16, 2000.

A Vacation of Rights-of-Way, VA 4-1-01, to vacate the ingress/egress easement was approved by Town Council on August 1, 2001.

On June 20, 2001, Town Council approved TU 6-2-01, a Temporary Use application for the permitting of a construction trailer and sub-contractor compound area.

A modification to the site plan to add entranceway features (a fountain and sign) was approved on July 3, 2002.

A modification to the site plan, SP 11-3-02, to add a pool and clubhouse was approved on November 27, 2002.

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## APPLICATION DETAILS

The applicant has requested the vacation of four (4) drainage easements in association with the Madison Lakes development. The approved site plan shows a lake in the middle of the development that will serve as drainage in place of the easements.

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### Applicable Codes and Ordinances

Section 12-310 of the Land Development Code, review for vacations or abandonments of right-of-way.

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### Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a Girl Scout campground facility, and a private school.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

**Applicable Goals, Objectives & Policies:** Policy 1-12: New development shall provide water storage capacity pursuant to the water management regulations and plans of the South Florida Water Management District and other applicable water management agency(s).

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### Staff Analysis

The drainage easements as described on page 1 were dedicated via plat prior to site plan approval. A 1.6 acre lake located in the center of the Madison Lakes development was approved during site plan review and was designed to accommodate the drainage needs for the site, thereby eliminating the need for the platted drainage easements.

Staff notes that the Central Broward Water Control District has no objections to the proposed vacations. In conclusion, the requested vacations will not have an adverse affect on neighboring properties, nor create a conflict with the public interest.

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### Findings of Fact

**Vacations or abandonments of right-of-way:**

**Section 12-310 (A)(1):**

**The following findings of fact apply to the vacation requested:**

**(a)** It will adversely affect access to neighboring properties.

*It will not adversely affect access to neighboring properties, nor will the vacation will of the drainage easements affect access on or to the subject property.*

**(b)** It will be in conflict with the public interest.

*Vacation of the drainage easements will not be in conflict with the public interest. Replacement of the drainage easements by the 1.6 acre lake to be constructed in the center of the Madison Lakes development will provide for drainage in lieu of the easements.*

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**Staff Recommendation**

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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**Planning and Zoning Board Recommendation**

At the May 28, 2003, Planning and Zoning Board meeting, Vice-Chair Waitkus made a motion, seconded by Ms. Turin, to approve. Motion carried 5-0.

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**Exhibits**

1. Justification letter
2. Sketch of Drainage Easements to be vacated
3. Future Land Use map
4. Subject Site, zoning and aerial map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



# Higgins • Deni & Associates

1721 NORTH STATE ROAD 7 • MARGATE, FL 33063 • PHONE: (954) 971-0540  
FAX: (954) 971-5980

March 21, 2003

Mr. Brad Swing  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Re: Justification letter for request to vacate easements MADISON LAKES

Dear Brad:

This shall serve as a Justification Letter for the above referenced project.

The owner of the property, FLR Company, hereby requests to vacate drainage easements as shown on the attached sketch.  
per Chapter 12, Sec. 9 (f) of the Davie Land Development Code.

The reason for this request is to vacate drainage easements which are not necessary due to the redesign of the lake and the development of the project. This request has been approved by Central Broward Water Control District.

Please place this item on the next available Planning and Zoning Board agenda. Your assistance in this matter would be greatly appreciated. Should you have any questions, please don't hesitate to call.

Yours truly,

Mikki H. Ulrich, P.S.M.

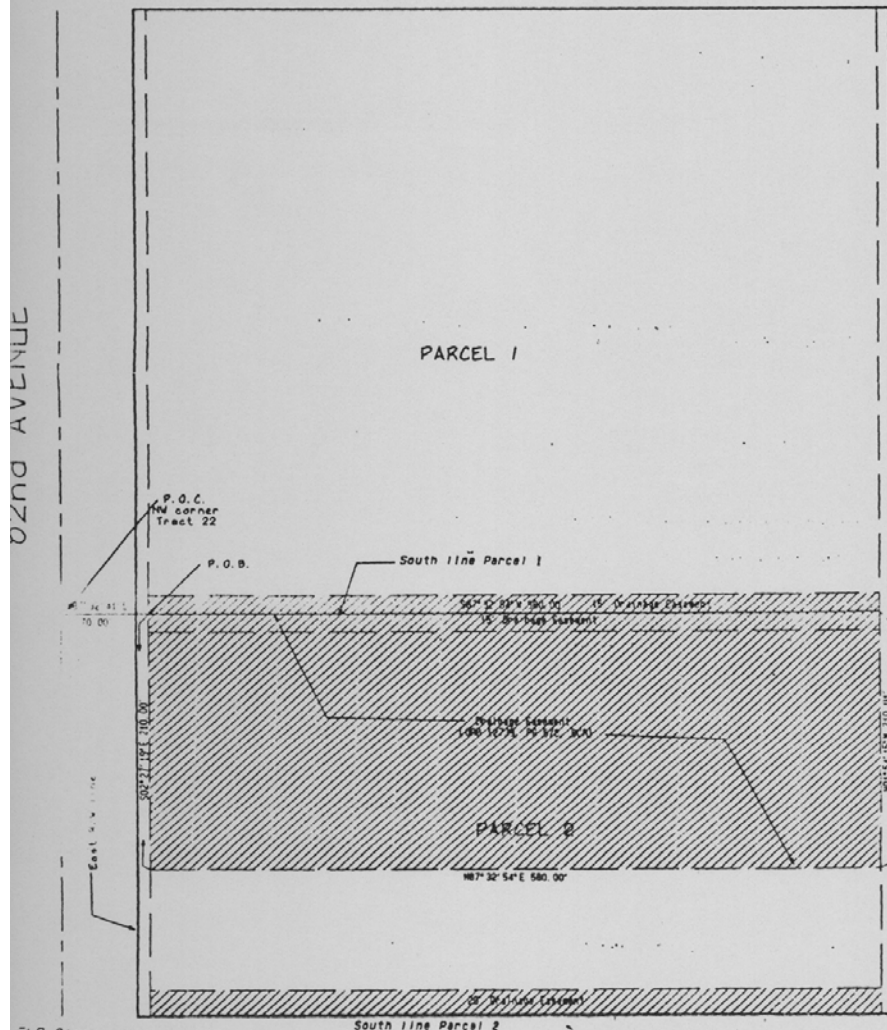
# SKETCH OF DRAINAGE EASEMENTS TO BE VACATED

The South 20 feet of Parcel 2 less the East 10 feet thereof and less the West 10 feet thereof, and the North 15 feet of Parcel 2 less the East 15 feet thereof and less the West 15 feet thereof and the South 15 feet of Parcel 1 less the East 10 feet thereof and less the West 10 feet thereof, MADISON LAKES, as recorded in Plat Book 170, Pages 117 and 118 of the Public Records of Broward County, Florida.

TOGETHER WITH:

A Drainage Easement recorded in Official Records Book 12739, Pages 678-680 of the Public Records of Broward County, Florida, described as follows:

A portion of Tract 22 of EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION in Section 33, Township 50 South, Range 41 East, as recorded in Plat Book 3, Page 67 of the Public Records of Dade County, Florida, being more particularly described as follows:  
Commence at the NW corner of said Tract 22; thence N 87°32'54" E along the North line of said Tract 22 for a distance of 70.00 feet to a point of intersection with the East right-of-way of SW 82nd Avenue; said point being also the point of beginning of the here in described parcel of land; thence S 01°54'13" E along said right-of-way for a distance of 210.00 feet; thence N 07°52'54" E along a line parallel to and 210.00 feet South of as measured at right angles to the North line of said Tract 22, for a distance of 580.00 feet; thence N 01°54'15" W for a distance of 210.01 feet to a point of intersection with the North line of said Tract 22; thence N 87°32'54" W along said Tract line for a distance of 580.00 feet to the POINT OF BEGINNING.  
Said lands situate, lying and being in the Town of Davie, Broward County, Florida, containing 142,126 square feet (3.267 acres) more or less.



FLR Company  
207149  
5/8/02  
44E, 44D-YAC  
1" = 100'

THIS SKETCH DOES NOT CONSTITUTE  
A FIELD SURVEY

MARK A. HIGGINS

PROFESSIONAL SURVEYOR & MAPPER NO. 5549

STATE OF FLORIDA

MIKE L. DENI

PROFESSIONAL SURVEYOR & MAPPER NO. 5953

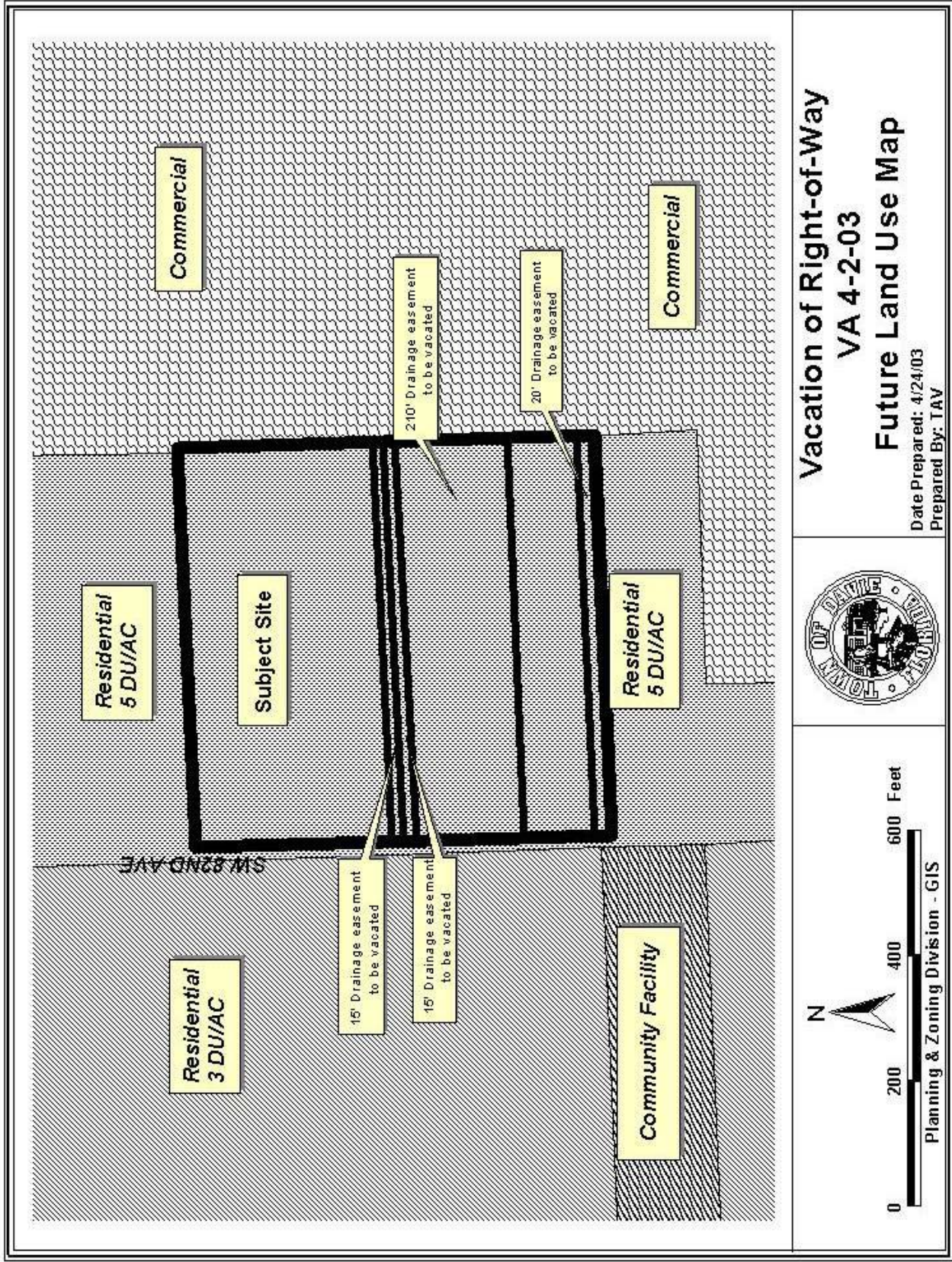
STATE OF FLORIDA

**HIGGINS-DENI & ASSOCIATES**

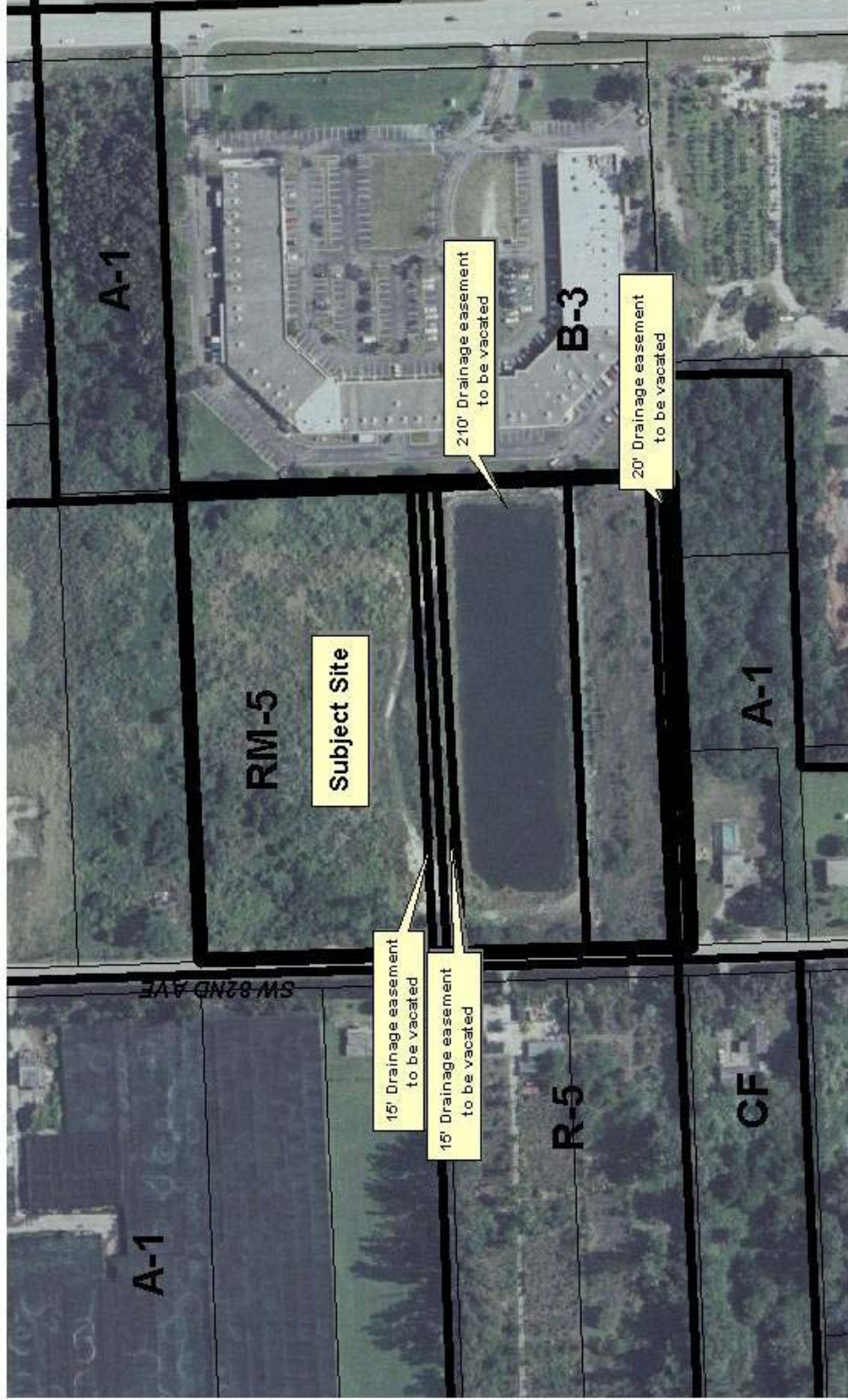
1721 N. STATE ROAD 7, MARGATE, FLORIDA 33063 (954)971-0540 FAX (954)971-5980

LAND SURVEYS • SUBDIVISIONS • CONSTRUCTION SURVEYS









Date Flown:  
12/31/00



0 200 400 600 Feet



Planning & Zoning Division - GIS



# VACATION OF RIGHT-OF-WAY VA 4-2-03

**Subject Site, Zoning and Aerial Map**  
Date Prepared: 4/24/03  
Prepared By: TAV